## 1,500 SALOONS WILL BE ORDERED CLOSED,

Act on a Court of Appeals Decision.

Their Attorney to Resist the Orders of the Board.

Licenses for Places Within Two Hundred Feet of a Church or School to Be Vacated

JULIUS HARBURGER'S DISSENT.

He Has Prepared a Bill to Save the Property of License Holders Which Would Be Sacrificed Under the Law as It Has Been Interpreted.

Julius M. Mayer, counsel to the Excise Acard, yesterday decided that under the ruling of the Court of Appeals in the Cairns

probable that if the liquor sellers stand their ground and the police obey their instructions to the letter all of the persons affected by the decision will be arrested.

The executive meeting was still in place accured a license eighteen years ago. Baab bought the place three months ago, and paid \$0.500 for it.

The Indignation of Harburger. Excise Commissioners Murray and Woodman indersed the opinion, but Mr. Harburger, in dissenting, said:

I cannot vote for the opinion of Conn-sellor Mayer in his legal interpretation of the decision of the Court of Appenia. I cannot consistently vote to wipe out of existence licensed places, the licensees of which have invested every dollar they possessed in their business enterprise. Not one of these licensees ever for a mo ment doubted when he lavested his money that he was perfectly secure in his vested rights. Many of them within a short space of time have in-vested thousands—bankruptcy staring them in the face. The Constitution of the land and of our State gives every citi-sen the guaranteed right to life, liberty and the pursuit of happiness. This opinion is a blow at the constitutional libe cer en the deprives him

ill cases coming under the decision, and ticular case: were busy at it until late last night. The full list will be ready by to-morrow, and each place notified to close. A list of the saloous, hotels and bars in each precinct will be sent to the police, who will see to it that no liquor is sold.

measures are under way to afford them relief, one proposed by Mr. Harburger himself. A meeting in which the entire liquor interest of the State is to be represented will be held at Little Falls on Wednesday next, when some joint action will be agreed

It is said that \$1,000,000 is invested in the saloons of the city which are affected Excise Board Advised to and in the State It is estimated that \$25,000,000 would be involved were the finding of the Court of Appeals to settle the matter permanently.

Commissioner Harburger, after having carefully considered the opinion, drafted an "enabling act," which will be introduced Liquor Dealers Counselled by at Albany to-morrow evening by Assembly man Louis Davidson, of the Thirty-third district, the only Democratic member on the Committee on Cities.

A Proposed Enabling Act. An act to amend chapter 401 of the Laws of 1892, regulating the sale of intext-

enting liquors. The people of the State of New York, represented in Senate and Assembly, do

enact as follows: Section 1. Nothing contained in chapsection 1. Nothing contained in con-ter 401 to the Laws of 1802, regulating the sale of intoxicating fiquors, shall in any wise affect or invalidate licenses which have been issued within the limits mentioned in section 43 of said act since the 29th day of April, 1802, and the re-nowal of the same, and all such licenses are hereby declared to be legal and valid.

Sec. 2. Any person, persons or cor-poration, who shall have been so licensed, or their legal representatives, may transfer or assign such license, with the con-sent of the Commissioners of Excise.

The executive meeting was sind the hope that some relief might come.

The opinion was filed in the case of Kari Banh, restaurant keeper at No. 113

Second avenue. The original owner of the Wine, Beer and Liquor Dealers' Associative needing was sind the hope that some relief might come.

"If the Raines bill should become a law, legitimate saloon keepers would be writen out of the business, owing to the tion, came from the room. Mr. House made this statement;

Mr. Rinn to appoint a committee of five.
who, with the counsel of the Central Association, are to meet with the Executive Committee of the State Association, at Little Falls, on Wednesday of next will never become a law." week, for the purpose of agreeing upon concerted action by the organized liquor FRINKLE IS A HIGH ROLLER. legislation, if possible, and also such legisdealers of the State to secure remedial lation as may protect the interests of those now holding licenses which may be inter- Columbus, O., Jan. 18.-Irving

and Barnard Courtney.

the Legislature," said Mr. Rinn, "but we law of Ferdinand Ritter, the senior memdo expect protection for the vested rights of the saloon keepers who would be driven saloon keepers who would be driven saloon keepers who would be driven and a well-known society man.

Those Who Must Suffer Losses, 'A man named McCormick kept a place at Criminal Prosecution is Withdrawn and Forty-Afth street and Tenth avenue in laborate Will Sattle His Accounts which he invested \$25,000. His license was granted six years ago, but as he was within

### \$100 on the fixtures, but she and her chil dren would practically be penniless. All of the husband's investment and the suport of the family would be swept away

Louis Schmidt last year paid about \$17,000 for the saloon, formerly Koch's, at No. 84 Broadway. It is within the forbidden territory made by Trinity. The same is true of one of the best known reserts in the city—the place of John Gault, the Forty-miner, under the Areade building, at Rector street. There is another bar in the building

"The Merchants' Exchange, in Tenth street, near Broadway, kept by a Viennese woman, will probably suffer, too. If she had only let well enough alone it might have been different. It is told that when application was made for the license the place was considered incligible as being too near Christ Church. The woman had already gone to heavy expense in fitting up the establishment. She conceived the idea of having measurements made, and found that the place was just a few feet within the line.

Brewers Are Grown Savage.

competition that would follow. Anybody "The Executive Committee of the Central like the entire business, affecting, to a Association passed a resolution instructing great extent, the manufacturer who furgreat extent, the manufacturer who furgreat extent and the saloon.

and Is Now Accused of Forgery.

fered with by the decision of the Court of Appeals in the Cairns case."

Mr. Rinn is an ex-officio member of this committee, which is composed of Eugene Brown, Morris Tekulsky, Henry Hirsch and Barnard Courtney.

Commous, U., Jan. 18.—17ving W. Frinkle, of Youngstown, manager of T. Thebauld & Co., the largest and wealthlest clothing firm in the Machoning Valley, has disappeared, and is reported to be a confessed forger to a large amount. The loss of the firm is "We do not expect Sunday opening from estimated at \$20,000. Frinkle is the son-in-

of the saloon keepers who would be driven out of business and rulned if the mandate of the saloon keepers who would be driven out of business and rulned if the mandate of the Court is enforced.

"Why, it affects \$1,000,000 or more in this city alone, and possibly \$25,000,000 in the entire State. And let me tell you there is an intensely human side to the question when you consider the possible effect of the thing upon individuals. I will cite a particular case:

FUGITIVE BROKER'S RETURN.

Johnson Will Settle His Accounts. about 100 feet of a Methodist church the with an arrangement made yesterday Ben- under Commissioner Wright's instructions

# died, leaving a widow and six children, and she assumed charge of the establishment. Now, if the decision bolds all the ment. Now, if the decision bolds all the

Find a Moonshine Plant

in Brooklyn.

Could Only Make Ten Gallons

at a "Run."

He Knew No English Until the Agents

Threatened an Arrest, Which Was

Later Carried Out.

Held for Further Examination.

CUSHED BY A TROLLEY CAR.

Conductor Malloy Meets with an Accident

Jeremiah Malloy, a conductor on one of

the Bushwick avenue trelley cars, was crushed between an iron pillar and his car in a shed at Myrtle and Wyckoff avenues,

Malloy gave the motorman the signal to

SOME SOCIAL GAYETIES.

Williamsburg, yesterday.

in a Car Shed.

a Prisoner by Order of As it now looks, the place died with the Warden Fallon.

> The Suspended Official Declares It Was at the Top of the House and That His Deputies Have Deliber-

on the ground floor near the entrance to PRAISED BY ERASTUS WIMAN, AN ENEMY GAVE INFORMATION.

Three men accused of murder, some forner prisoners, one "Tembs Angel" and sev- whiskey still in a tenement at No. 41 Lorisecond hearing of the charges against War- had written to the Internal Revenue Col-She made arrangements, and had the en-She made arrangements, and had the en-trance moved out of prohibited territory.

Commissioner of Correction Wright, a not-then she secured her license. Then, it is said, she discarded the temporary make- who is now acting Warden, was cross-exshift and had the entrance moved nearer amined at the opening of the hearing upon to Broadway and well within the 200 feet his testimony, previously given, that perover which the Court of Appeals has de- sons were admitted to see prisoners with-

The Excise Committee of the Senate will in answer to a question from Lawyer C. J. Patterson, of counsel for Warden Fallon, O'Shea said he had admitted the ladies In answer to a question from Lawyer C. J.

They would co operate actively with the several of the prison keepers, the witness The executive meeting was still in people at large who are against it, with swore that Louis Herrman, a prisoner await swore that Louis Herrman, a prisoner awaiting trial on a charge of wife-murder, had been locked up in the cell called the "cooler" for three days without food. In addition to this, he testilied that the Warden had ordered that Herrman's coat, vest and shoes be taken from him, when he was subsequently confined in a much colder cell, after Commissioner Wright had ordered the man's removal from the "cooler."

signed the charges against Fallon. He also testified to Herrman's having been deprived of food when he was confined in the "cool-or".

A-WIFE MURDERER'S COMPLAINT.

Microsian via Record, a Whitton, who was a primare to the second life, Whitton States and the second life, whitten second life, Whitton States and the second life, Whitton St

They Are the Joy of Home, the Hope of Our Land.

Take Care of Their Nerves, Build Up Their Blood.

And They Will Grow Up have paid duty on every Strong and Healthy. Two Internal Revenue agents found a

Give Them That Greatest of All Invigorators,

Dr. Greene's Nervura Blood advance in prices. formation. Two men entered the house and and Nerve Remedy. the agents followed them, pretending they

were census takers. Under this pretext they went from floor to floor, gaining no in-What lovelier sight gladdens our eyes than the children trooping to school! What merry faces, what bright eyes and ruddy a peculiar sour smell grew stronger as they heeks if they are strong and healthy: take any license is void that has been lessued since April 20, 1892 to a new owner of a liquor saloon, liquor store or restaurant within 200 feet of a church osciolouse.

The Excise Committee of the Senate will need on Tuesday and Thursday. It will need on Tuesday and the ladies known as "Tombs Angels" without search osciolouse.

Persons who have become owners since of whom may be arrested to-morrow, or on whatever day the Board the officers of the Court of the United for the Dilgoor dealers has sont out word for all of these places to ordered insuedlately, and the police obeyed insuedlately, and the police of the Senate will be observed in banked the property of the liquor sellers stand their relief of the persons who would be reversed and their proposal and the legislation to close is expected to take prompt action, it is probable that if the liquor sellers stand their relief of the persons who would be reversed and the police obey their in the officers of the persons who would be reversed and the police obey their in the first part of the pairs and the testing the sale of the Senate will need on Tuesday and Thursday. It will need on Tuesday and Thursday. It will need to ward the pair of the pairs of the ounsel for the submission of the counsel for the submission of the counsel for the whom may be arrested to-morrow, or on whatever day the Board the officers of the local Liquor Deal-their probable that if the liquor sellers stand there is no need the pair of the submission of the counsel for the submission of the counsel for the ward of the pair the pair to the pair the pair the pair the pair to the pair the realize also that before long these dear navy and maroon colorings; 36 to 46 ing weakness; unless nervous force and strength are supplied. How can this be WANTED FOR BOLD THEFTS. done? How can brightness be put into Seven Burglars and Robbers Arrested and those tender eyes—roses made to bloom in those pale cheeks—strength and vigor Held for Further Examination.

Seven alleged crooks were captured by Roundsman Corcoran and Detectives Whitman and O'Brien, of the Eldridge Street Station, early yesterday morning, and later in the day were taken handcuffed to the Essex Market Court.

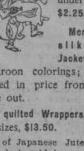
The men were John Foley, Edward Kelly, Harry Welss, Samuel Oldman, Jacob Green, Abraham Simpson and John Murray. Foley, Kelly and Weiss were accused of robbing Jacob Bubeman's tailor shop, at No. 51 Chrystic street. They stole seventy-five suits of clothes, which they were trying to sell when arrested. Oldman, Green and Simpson were arrested on general principles. Murray is wanted for stealing a watch from Robert Andrews, of No. 31 East One Hundred and Eleventh street. The men were held for examination.

Sam Marcus and Jacob Goldstein, who were found with burglar's tools in their nervous system. Enrich their blood. Restore their vitality, Make them fel and tilke boys and girls. How?

Nothing will do this so well as Dr. Greene's Nervura blood and nerve remedy. It is purely vegetable and perfectly harmless to give to infants or children. Its feet will be marvellous. It will nake them strong, vigorous and well. given to those drooping bodies? Build up

BIRDLE LEE CLUTON.

Mrs. Laura Cluton, of Brunswick, Mo.,



than scrimping.

Bound for Vantine's.

Foresight saves more money

At Vantine's.

In anticipation of the great increase of duties in the tariff bill now before Congress we

CASE, BALE AND PACKAGE IN BOND

and placed them in our stores and free warehouses.

Foresight says to you, Buy now and save the probable

This week we are offering:

Men's silk quilted Dressing Gowns, brown, navy, green, black; all sizes; reduced to \$9.50.



Ladies' black silk quilted Vests, suitable to wear under capes, \$2.25. Men's quilted

slik Smoking Jackets, brown, inches; reduced in price from \$4.00 to

\$2.00 to close out. Ladies' silk quilted Wrappers, fully embroidered, all sizes, \$13.50.

Special sale of Japanese Jute Rugs, Sxs feet, 75c.; regularly sold in many stores as

The largest Japanese, Chinese and India House in the world. A. A. VANTINE & CO., 877-879 Broadway, N. Y.

# FAVORABLE TO DUNRAVEN?

Now It Is Said That the Investigating Committee Has Been Very Merciful.

Rumor Has It That His Grounds for Suspicion Have Been Practically Admitted.

BUT HIS CHARGES HAVE FAILED.

Erred in Judgment, According to the Latest Speculation, When He Neglected to Formally Complain of Defender's Alleged Increased Water Line.

All sorts of speculation is being indulged in regarding the fate of Lord Punraven at the hands of the New York Yacht Club's special investigating committee. One day Dancing is society's chief occupation just now. While there is no scarcity of teas these rather take on the nature of regular "at homes," and will not blossom out into their deserved popularity until Lent Great surprises are in store for the Great Surprises are in surprised as the Great Surprises are in surprised as the Great Surprise are surprised as the Great Surprise are surp the expectant public is told that a rod is in pickle for the Irish Earl; the next, rumor has it that the intention is to "let him down lightly." All of the surmises agree that the charges are not sustained. One rumor was circulated yesterday to

Septemble for ood trook was indeed the conference seek and he was not work to cast it.

Seek and the for ood trook was intering to the control of the contro

Counsellor Julius M. Mayer's Analysis of the Court of Appeals Decision and

I do not see that there is any affirmative action to be taken by the Board, other than to notify the police authorities of the places for which such licenses have here-

right to issue. A case where a license has been granted contrary to the provisious of section 43 is not a case in which a revocation can be had, and the licenses heretofore issued are in effect not licenses, and must be regarded, as far as this Board is

concerned, as if they were not issued.

Under the present rules of the Board such license cannot be accepted for surrender

You have requested my opinion as to whether a person who was licensed prior t the passage of the act at a given place and had since transferred his license could again be licensed at the same place. Under the Cairns decision I am of the opinion that such person could not be licensed at that place. The intention of the statute, as construed by the Court of Appeals, was the abolition of licensed places, other than hotels, within 200 feet of a church or school, except that a person already in business was to be permitted to continue so long as he himself was the licensee of the

Receive by transfer. I desire to call your attention further to the fact that the abundament. Sec. 43, passed April 29, 1893, in Chapter 480, of the Laws of 1893, changed Sec. 43, of Chapter 401, of the Laws of 1892, passed April 30, 1892, in so far as the measuring of the distance from the church or school to the building sought to be licensed is concerned.

By the act of 1802 it was provided that the measurements were to be taken fr sought to be licensed, while, by the act of 1893 it was provided that the mea-

A license, therefore, issued to any person prior to April 26, 1890, for premises the principal entrance of which was more than 200 feet from the principal entrance of a

Saloon-Keepers Counselled to Resist. the Editor of the Journal:

ers are arrested for selling without licenses, we shall produce the licenses in question I may draft a bill at the request of the committee for the relief of the people in the early part of the week, but no concerted action will be taken until Wednesday.

Advice to the Excise Board.

I am of the opinion that under the Cairns decision a license heretofore issued contrary to the provisions of section 43 of the Excise law, as construed in that opinion, has no validity. The Board of Excise not having any power to issue such license, such license is rold and of no effect.

tofore been besued. It would be proper also under the circumstances to notify the persons to whom such Heenses have been issued, so that they may receive as speedily as possible the information as above. Special provision is made by statute for the revocation of a license (section 28 of the Excise law) where the Board of Excise has the power to grant such license, and a revocation necessarily implies the taking away of a license which the Board has a

for the reason that the surrender rule applies only to existing licenses, and transfers cannot be made of such licenses. Where a person who was not licensed prior to the passage of the act has been permitted by the Board of Excise to transfer his license to a place outside of the prohibited limits such transfer is void and of no effect. A list of the licenses thus issued should be made at once and marked null and void on the record books of the Board.

A license cannot be issued to a place within the prohibited distance when the licensee who held a license prior to the passage of the act dies, or parts with his

the principal entrance of the church or school to the principal entrance of the place

ments were to be taken from the nearest entrance of the church or school to the nearest entrance of the place sought to be licensed.

JULIUS M. MAYER, Counsel.

Though the counsel for the Excise Board has declared that all licenses like Calras's are void, I disagree with him. All of the liquor dealers affected will be instructed to go ahead and sell regardless of the decision. When they are interfered with the matter

will be brought to some court of competent jurisdiction. The men will go on selling, I hold that the Excise Board has no power to revoke these licenses. If the saloon-keep when a joint meeting of Association committees will be held at Little Falls.

FREDERICK B. HOUSE, Counsel for the Liquor Dealers' Association,

Tombs Keepers Admit Starving Revenue Agents Guided by Smell

ately Committed Perjury.

Wife-Murderer Herrman's Confinement in Abraham Rothheimer Was in Charge, and the "Cooler"-A Question of Hearing Between Commissioner Wright and the Warden.

eral keepers of the city prison, with the mer street, Brooklyn, Eastern District, yes-Warden himself, as witnesses, made the terday. An enemy of the illicit distiller out being searched.

A FORGIVING KEEPER. Prison Keeper Peter J. Meighan followed the Deputy Warden on the stand. He had

"Has the Warden had occasion to reprimand you?" Meighan was asked.
"He has reprimanded me, and it made me feel sore, but I live to forgive and forget," he answered.

Joseph C. Max, another keeper, appointed last July, and the one who part of the time had charge of the "cooler," swore that the Warden, in ordering Herrman's confinement in that cell, did not instruct him to give food to Herrman, and as Failon had once before reprimanded him for feeding a prisoner in the "cooler," saying that food should not be furnished men in the "cooler," except when ordered, he did start and then jumped on the step of the rear platform. Five of his ribs were broken and the broken bones penetrated the lungs. An ambulance removed him to St. Catha-rine's Hospleal. His condition is critical.

The prosecution, directed by Corporation Philadelphia, Jun. 18.-In compliance Counsel Turner, tried to show that when

on the part of the liquor dealers, though

Excise poard has record to renew it under the Court of Appeals decision. McCornick was arrested a few days ago at Tampa, Fig., will return voluntarily to this city, to ald in straightening out the tangled accounts of the firm, and the matter will probably be settled without resorting to the missing member of the broker firm of Kendall & Whitlock, who was arrested a few days ago at Tampa, Fig., will return voluntarily to this city, to ald in straightening out the tangled accounts of the firm, and the matter will probably be settled without resorting to the missing member of the broker firm of Kendall & Whitlock, who broker firm of Kendall & Whitlock, who broker firm of Kendall & Whitlock, who was arrested a few days ago at Tampa, Fig., will return voluntarily to this city, to ald in straightening out the tangled accounts of the firm, and the matter will probably be settled without resorting to the missing member of the broker firm of Kendall & Whitlock, who broker firm of Kendall & Whitlock, who was arrested a few days ago at Tampa, Fig., will return voluntarily to this city, to ald in straightening out the tangled accounts of the firm, and the matter will probably be settled without resorting to the private into their deserved popularity until Lent arrives.

Go the second ther, Warden Fallon of the private coming Bachelors Ball, at the Waldorf, on February 7, if all the rumors concerning the private into the record to the private into t